

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 3, 2006. Applicant amends 1-3, 9-16, and 17-19. Applicant respectfully notes that none of these amendments affect the scope of the subject matter claimed by the relevant claims. Applicant respectfully requests reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1-2, 4, 7-10, 12, 15-18, 20, and 23-24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2004/0176106 by Tendler ("Tendler"). Applicant respectfully traverses this rejection. Nonetheless, for the purposes of advancing prosecution, Applicant amends Claims 1, 9, and 17 to further clarify the claimed subject matter. As amended, Claim 1 recites:

A method for determining the location of a mobile device comprising:
receiving a location message from a communication network, wherein
the location message comprises a plurality of signal tones;

modifying a selected subset of the plurality of signal tones, wherein the
selected subset comprises signal tones having a frequency within a
predetermined range of frequencies;

decoding the modified signal tones into a plurality of decoded values;
and determining a location of a user based on at least the plurality of
decoded values.

Tendler fails to recite, expressly or inherently, every element of amended Claim 1. For example, *Tendler* fails to disclose "modifying a selected subset of the plurality of signal tones" as recited by amended Claim 1. In addressing similar limitations in original Claim 1, the Examiner asserted merely that "DTMF tone is modified by an audio amplifier, section 29." *Office Action*, p. 2. Additionally, in response to arguments raised by the Applicant in a Response to Office Action filed December 20, 2005 ("the December 20 Response"), the Examiner asserts that:

[T]he Applicant argues that Tendler fails to disclose modifying selected signal tones, wherein the selected signal tones have a frequency within a predetermined range of frequencies. However, the Examiner disagrees with the preceding argument. The claim does not call for a particular signal tones [sic]. The Examiner interprets the claim limitation as all the signal tones are selected. Therefore, the claim is read on Tendler in paragraph 29, wherein audio amplifier modifies the signal tones.

Office Action, p. 6.

Applicant respectfully disputes these assertions. Nonetheless, for the purposes of advancing prosecution, Applicant amends Claim 1 to further clarify the claimed subject matter. As amended, Claim 1 recites “modifying a selected subset of the plurality of signal tones.” To whatever extent the audio amplifier of *Tendler* can properly be characterized as “modifying selected signal tones” as the Examiner contends, the audio amplifier modifies all signal tones received by the audio amplifier. The Examiner essentially concedes this point, noting that “[t]he Examiner interprets the claim limitation as all the signal tones are selected” and “[t]herefore, the claim is read on *Tendler* in paragraph 29, wherein audio amplifier modifies the signal tones. *Id.* Consequently, *Tendler* fails to recite “modifying a selected subset of the plurality of signal tones” as recited by amended Claim 1.

As a result, *Tendler* fails to recite, expressly or inherently, every element of amended Claim 1. Claim 1 is thus allowable for at least this reason. Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 9 and 17 include elements that, for reasons substantially similar to those discussed above with respect to Claim 1, are not recited, expressly or inherently, by *Tendler*. Claims 9 and 17 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 9 and 17, and their respective dependents.

In addition, several dependents of Claim 1 are allowable for additional reasons. As one example, Claim 2 recites:

The method of Claim 1, wherein modifying the selected subset of the plurality of signal tones comprises setting the volume of the selected signal tones to a predetermined value.

Tendler fails to recite, expressly or inherently, every element of Claim 2. In the December 20 Response, Applicant noted that “the cited portion of *Tendler*...does not disclose ‘setting the volume of [the DTMF tone] to a predetermined value’” and that “*Tendler* discloses only that the audio amplifier amplifies the DTMF tone.” *December 20 Response*, p. 10. Applicant respectfully notes that the Examiner fails to respond to this argument and instead repeats the Examiner’s previous argument, asserting merely that “*Tendler* teaches the DTMF [sic] tone generator is amplified by an audio amplifier” and, “[t]hus, changing the parameters of the DTMF tone.” *Office Action*, p. 7. Again, Applicant respectfully notes that, even to whatever extent this may be true, *Tendler* still fails to disclose “setting the volume of

the selected signal tones to a predetermined value.” (emphasis and underlining added). At best, *Tendler* merely discloses increasing the volume of the DTMF tone.

As a result, *Tendler* fails to disclose this additional element of Claim 2. Claim 2 is thus allowable for at least this additional reason. Applicant requests reconsideration and allowance of Claim 2.

Section 103 Rejections

The Examiner rejects Claims 3, 11, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Tendler in view of U.S. Patent No. 3,906,166 issued to Cooper et al. (“*Cooper*”). Claims 3, 11, and 19 depend from Claims 1, 9, and 17, respectively. Claims 1, 9, and 17 have all been shown above to be allowable. Claims 3, 11, and 19 are thus allowable for at least these reasons. Additionally, the proposed *Tendler-Cooper* combination also fails to disclose additional elements of Claim 3, 11, and 19. For example, Claim 3 recites:

The method of Claim 1, wherein modifying the selected subset of the plurality of signal tones comprises:

increasing a volume of each signal tone in the selected subset for which the volume is below a predetermined minimum; and

decreasing a volume of each signal tone in the selected subset for which the volume is above a predetermined maximum.

As the Examiner concedes the *Tendler* fails to disclose “increasing a volume of each signal tone in the selected subset for which the volume is below a predetermined minimum” and “decreasing a volume of each signal tone in the selected subset for which the volume is above a predetermined maximum.” *Office Action*, p. 4.

Moreover, combining *Tendler* with *Cooper* fails to remedy this omission as *Cooper* also fails to disclose these elements. In rejecting Claim 3, the Examiner asserts that “*Cooper* teaches the automatic output control increases power when tone is absent and gradually decreases output when tone is present.” (Col. 10, lines 15-29.) Thus, *Cooper* either increases the power associated with all tones or decreases the power associated with all tones. *Cooper* fails to “increas[e] a volume of each signal tone in the selected subset for which the volume is below a predetermined minimum” and “decreas[e] a volume of each signal tone in the selected subset for which the volume is above a predetermined maximum” as recited by Claim 3.

Thus, the proposed *Tendler-Cooper* combination fails to disclose, teach, or suggest every element of Claim 3. Claim 3 is thus allowable for at least this additional reason. Although of differing scope from Claim 3, Claims 11 and 19 include elements that, for reasons substantially similar to those discussed with respect to Claim 3, are not disclosed by the proposed *Tendler-Cooper* combination. Claims 11 and 19 are thus allowable for at least

these additional reasons. Applicant respectfully requests reconsideration and allowance of Claims 3, 11, and 19.

The Examiner rejects Claims 5, 13, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Tendler* in view of U.S. Patent Publication No. 2002/0196151 issued to Troxler (“*Troxler*”). Claims 5, 13, and 21 depend from Claims 1, 9, and 17, respectively. Claims 1, 9, and 17 have all been shown above to be allowable. Claims 5, 13, and 21 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 5, 13, and 21.

The Examiner rejects Claims 6, 14, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Tendler* in view of U.S. Patent No. 5,742,987 issued to Brown (“*Brown*”). Claims 6, 14, and 22 depend from Claims 1, 9, and 17, respectively. Claims 1, 9, and 17 have all been shown above to be allowable. Claims 6, 14, and 22 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 6, 14, and 22.

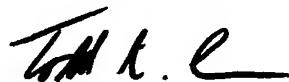
Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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